

10-15-01

AA

Sector #

Box Sequence

Please type a plus sign (+) inside this box →



PTO/SB/21 (08-00)

Approved for use through 10/31/02. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

39

Application Number

09/750,240

Filing Date

December 26, 2000

First Named Inventor

H. Kirk HAMMOND

Group Art Unit

1614

Examiner Name

To Be Assigned

Attorney Docket No.

220002056723

ENCLOSURES (check all that apply)

Fee Transmittal Form - in duplicate

Assignment Papers
(for an Application)

After Allowance Communication to Group



Fee Attached



Drawing(s)

Appeal Communication to Board of
Appeals and Interferences

Amendment / Reply



Licensing-related Papers

Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)

After Final .



Petition



Proprietary Information



Affidavits/declarations

Petition to Convert to a
Provisional Application

Status Letter



Extension of Time Request

Power of Attorney, Revocation
Change of Correspondence AddressOther Enclosure(s) (please identify
below):

Express Abandonment Request



Terminal Disclaimer

- * Copy of Notice to File Missing Parts of
Nonprovisional Application (2 pgs)
- * Declaration signed in counterpart - 15 pgs total
- * CRF of Sequence Listing
- * Paper copy of Sequence Listing (16 pgs)
- * Response to Notice to Missing Parts with
Requirements for Patent Applications Containing
... (2 pgs)



Information Disclosure Statement



CD, Number of CD(s) _____



Certified Copy of Priority Document(s)

Remarks

Response to Missing Parts/
Incomplete ApplicationResponse to Missing Parts
under 37 CFR 1.52 or 1.53**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm

Catherine M. Polizzi

or

Morrison & Foerster, LLP

Individual Name

755 Page Mill Road
Palo Alto, CA 94304

Signature

Date

October 12, 2001

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL569237019US

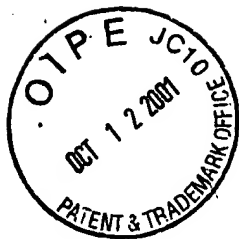
Date of Deposit: October 12, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Tamara Alcaraz

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

pa-631887



#5

PATENT
Docket No. 220002056723

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: EL569237019US

Date of Deposit: October 12, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.


Tamara Alcaraz**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the application of:

H. Kirk HAMMOND et al.

Serial No.: 09/750,240

Filing Date: December 26, 2000

For: GENE THERAPY FOR CONGESTIVE
HEART FAILURE

Examiner: To Be Assigned

Group Art Unit: 1614

**RESPONSE TO NOTICE TO MISSING PARTS WITH REQUIREMENTS FOR
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR
AMINO ACID SEQUENCE DISCLOSURES**

Box Sequence
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The printed Sequence Listing is identical to the Sequence Listing submitted in machine-readable form.

This paper is submitted to comply with the United States Patent Office rules governing gene sequences. No new matter is added.


In the unlikely event that the fee transmittal is separated from this sequence listing and the U.S. Patent Office determines that an extension and/or other relief is required, applicants

petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this sequence listing to our **Deposit Account No. 03-1952**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: October 12, 2001

By:


Catherine M. Polizzi
Registration No. 40,130

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5651
Facsimile: (650) 494-0792

FEE TRANSMITTAL FOR FY 2002

Complete if Known

Application Number 09/750,240
 Filing Date December 26, 2000
 First Named Inventor H. Kirk HAMMOND
 Examiner Name To Be Assigned
 Group Art Unit 1614
 Attorney Docket No. 220002056723

TOTAL AMOUNT OF PAYMENT

(\$2303

Patent fees are subject to annual revision.

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 03-1952
 Deposit Account Name Morrison & Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	370
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$370)

2. EXTRA CLAIM FEES

Total Claims	100-20=	Extra Claims	80	x	Fee from below	9	=	Fee Paid
Independent Claims	7-3=	4	x	42	=	\$168		

Multiple Dependent

= \$0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claims, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$888)

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	980
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$1045)

SUBMITTED BY

Name (Print/Type) Catherine M. Polizzi

Registration No.
(Attorney/Agent)

40,130

Complete (if applicable)

Telephone

(650) 813-5651

Signature

Catherine M. Polizzi

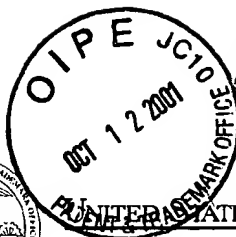
Date

October 12, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

pa-631894



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/750,240	12/26/2000	H. Kirk Hammond	220002056723

CONFIRMATION NO. 6646

FORMALITIES LETTER



OC000000005852623

Catherine M. Polizzi
Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, CA 94304

Date Mailed: 03/12/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

10/17/2001 BNGUYEN1 00000106 031952 09750240

FILED UNDER 37 CFR 1.53(b)

01 FC:201	370.00 CH
02 FC:203	720.00 CH
03 FC:202	168.00 CH
04 FC:205	65.00 CH

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1760.
 - \$1440 for 80 total claims over 20.
 - \$320 for 4 independent claims over 3.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2600.
- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the Patent and Trademark Office, such request in accordance with

37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

Ahmad

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE